

Public Chapter 441

HOUSE BILL NO. 537

By Representatives Hargrove, Lois DeBerry and Mr. Speaker Naifeh and Representatives Rinks, Williams, Kisber, Armstrong, Arriola, McDonald, Ridgeway, Chumney, Pruitt, Bowers, Buck, Brooks, Ulysses Jones, Sharp, Bone, White, Sands, Fitzhugh, Maddox, Robinson, McMillan, Langster, Cross, Brenda Turner, Stulce

Substituted for: Senate Bill No. 491

By Senators Crutchfield, Williams

AN ACT to amend Tennessee Code Annotated, Section 8-30-208, relative to employment rights of state employees in the career service.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 8-30-208, is amended by adding the following new subsections at the end of the section:

(f)(1) A career service employee who becomes an executive service employee shall, upon termination from such executive service position, have the right to be reassigned to a career service position within the same department or agency or if necessary, another department or agency. The reassignment shall be at the same classification and salary as the most recent career service position, and the salary shall include all across-the-board pay increases occurring since placement in the position designated as executive service.

(2) This employment right applies only when the employee held a career service position for five (5) or more years and held a career service position the immediately preceding twelve (12) months before the executive service appointment. If no vacancy exists in the same classification held prior to the executive service appointment, the employee shall be appointed to a vacant position in accordance with civil service procedures for hiring.

If there is a reduction-in-force in the career service, the reduction-in-force procedures shall take precedence.

(3) A person occupying a position in the executive service who is terminated for any reason which would warrant the dismissal of a career service employee shall not have the right of reassignment to a position in the career service.

(A) A person occupying the position of commissioner, deputy commissioner, or assistant commissioner for more than five (5) years does not have the right of reassignment established by this subsection.

(B) A person occupying an executive service position for more than ten (10) years does not have the right of reassignment established by this subsection.

(4) The placement of any person in accordance with the provisions of this subsection may not be made to a position which would cause the separation of any other regular civil service employee.

(g)(1) If a career service employee's position is reclassified as part of the executive service, such person shall maintain his or her position with an incumbent's rights in the career service.

(2) If such person ceases to hold the reclassified position through promotion, demotion, resignation, or otherwise, the position will be part of the executive service as reclassified by the commissioner.

SECTION 2. The provisions of this act shall not apply to any position that involved a termination that occurred as a result of a reclassification before the effective date of this act, but this act shall apply to any other position reclassified since June 1, 1995.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.